

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

JENNIFER PELLAND,

Plaintiff,

v.

Case No: 2:20-cv-500-FtM-38NPM

KING OF THE ROAD MC, LLC,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation. (Doc. 31). Judge Mizell recommends dismissing the case for failure to prosecute. (Doc. 31). Neither party objects to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge may also receive further

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

evidence or recommit the matter to the magistrate judge with instructions.”  
Id.

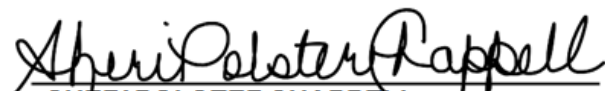
After examining the file independently and upon considering Judge Mizell’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

1. United States Magistrate Judge Nicholas P. Mizell’s Report and Recommendation (Doc. 31) is **ACCEPTED and ADOPTED** and the findings are incorporated herein.
2. The case is dismissed for failure to prosecute.
3. The Clerk is **DIRECTED** to enter judgment, deny all other pending motions as moot, terminate all remaining deadlines, and close the file.

**DONE and ORDERED** in Fort Myers, Florida on December 28, 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record